

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 3594 - SB 3359

March 9, 2012

SUMMARY OF BILL: Authorizes the sheriff, any deputy, peace officer, or any employee or elected official of a county government, authorized to enforce the county's regulations or resolutions, to issue citations or civil warrants against any person who violates such regulations or resolutions in their presence. Specifies information that is required to be included in such citations or civil warrants. If such individuals are unable to serve the citations or civil warrants at the time of violation, the sheriff, any deputy, peace officer, or any person charged with the duty to serve civil or criminal process and is at least 18 years of age is authorized to do so. Requires each citation issued or served to be signed by the person so issuing or serving, and to be returned to the clerk of the general sessions court to be treated in the same manner as summons issued in accordance with Rule 4 of the Tennessee Rules of Civil Procedure.

ESTIMATED FISCAL IMPACT:

Increase Local Expenditures – Exceeds \$100,000/Permissive

Assumptions:

- Issued citations or civil warrants will include, but not be limited to, the following information: the regulation or resolution violated, the date, time and place when the violator is to appear in general sessions court, the statement that failure to appear in court on the date assigned can result in the court ordering a civil fine or penalty, court cost and litigation taxes, the issuance of an execution and garnishment to collect such fine, penalty, court costs and taxes, and the issuance of a bench warrant for the defendant's arrest for contempt of court with a penalty of up to five days in jail or a fine of up to ten dollars, or both.
- Any fines or penalties collected by the general sessions courts are estimated to be not significant.
- The fiscal impact of this bill is dependent upon several unknown factors such as the number of ordinances and resolutions currently adopted by county legislative bodies, the extent of enforcement duties placed on county sheriffs as a result of any currently-adopted county ordinances or resolutions, the number of ordinances and resolutions adopted in the future by any county legislative body, and the extent of enforcement duties placed on county sheriffs as a result of ordinances and resolutions adopted in the future by county legislative bodies.

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- Based on information provided by the County Technical Assistance Service (CTAS), it is estimated that this bill will increase expenditures for sheriff offices as additional duties are required of them.
- Expenditures for municipalities will not decrease as a result of sheriffs enforcing county ordinances and resolutions.
- Given the extent of unknown factors, determining a precise fiscal impact for this bill is difficult. However, the recurring increase in local expenditures is reasonably estimated to exceed \$100,000.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

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